IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13321 of 2005

Between:

Koppula Nandikeswarlu, S/o. Chennaiah, 48 years,
R/o. Somireddipalli Village, B.Mattam Mandal, Kadapa District.

...PETITIONER

AND

The Mandal Revenue Officer, B.Mattam Mandal, B.Mattam, Kadapa District.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring t the action of the respondent in evicting me from the land of 2-08 acres in Sy.No.462 of Somireddipalli in B.Mattam Mandal of Kadapa District without issuing any notice and passing any order as illegal, unjust, arbitrary, without jurisdiction and violative of principles of natural justice besides violative of statutory provisions and consequently direct the respondent not to evict the petitioner from the land of 2-08 acres in Sy.No.462 of Somireddipalli Village in B. Mattam Mandal of Kadapa District.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13321 of 2005

ORDER:

This is Writ Petition is filed by the petitioner seeking a declaration of the action of the respondent in evicting him from the land admeasuring Acs.2.08 in Survey No.462 of Somireddipalli Village in B.Mattam Mandal of Kadapa District, without issuing any notice or passing any order, as illegal and arbitrary and a consequential direction to the respondent not to evict him from the about said premises.

The learned counsel for the petitioner submitted that the petitioner belongs to Scheduled Caste community and he made an application for grant of assignment of agricultural land to eke out his livelihood. The then respondent assigned the land as mentioned above through DKT patta No.86 of 1995 dated 08.02.1986. Thereafter he was in possession of the above said land and cultivating it from the year 1987 onwards. When the respondent herein tried to evict him from the possession of the above said land without following due process of law, the petitioner is constrained to file this Writ Petition.

It is settled principle of law that if a person is in occupation of the Government land,

the officials have to follow due process of law to evict him from the said land. Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is disposed of directing the respondent not to take any coercive steps to evict the petitioner without following due process of law. No costs.

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(ELIPE DHARMA RAO, J)

23rd June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Mandal Revenue Officer, B.Mattam Mandal, B.Mattam, Kadapa District.
2. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.